
UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Cheryl Sagataw, DeAnthony
Barnes, Roberta Strong, and
Travis Neloms, *on behalf of
themselves and a class of similarly
situated individuals,*

Ct. File No. 24-cv-00001(ECF/TNL)

Plaintiffs,

DECLARATION OF ENRIQUE
VELAZQUEZ

v.

Mayor Jacob Frey, *in his individual and
official capacity.*

Defendant.

Your Declarant is Enrique Velazquez, and he submits the following
declaration:

1. I am the Director of Regulatory Services for the City of Minneapolis (“City”). I submit this declaration in support of Defendant Mayor Jacob Frey’s Answer to Plaintiffs’ Second Amended Complaint. The information in this declaration is based on my personal knowledge from first-hand involvement and/or information I’ve learned from City employees occurring in the regular course of my work as Director of Regulatory Services.

2. On January 4, 2024, the City of Minneapolis closed the First

Nenookaasi Encampment.

3. On the day of the First Nenookaasi Encampment closure, representatives from multiple departments were on site. Staff, including Directors from the City of Minneapolis' Department of Regulatory Services and Department of Community Planning and Economic Development, were present. Minneapolis Public Works staff was present to assist with cleaning the site. Minneapolis Police Department officers were on site to support the other City staff and ensure that homeless individuals, the community, and City staff were safe throughout the duration of the encampment closure.

4. On the day of the closure, City staff stood by as those in the First Nenookaasi Encampment conducted a morning ceremony, held a lengthy press conference, and packed all of their belongings for transport off of the site.

5. On the day of the closure, individuals at the First Nenookaasi Encampment were given unlimited time to leave with their belongings.

6. The City had buses standing by to transport people to the Catholic Charities' Opportunity Center, where they could connect with services, including but not limited to housing resources and medical and mental health care providers, as well as have access to storage lockers, internet services, breakfast and lunch services, and laundry. No one at the encampment chose to take these services.

7. On January 2, 2024, two days before the closure of the First Nenookaasi Encampment, individuals associated with First Nenookaasi Encampment broke into a locked, fenced property owned by the Minneapolis Community Planning and Economic Development Department (“CPED”) located at 2601 14th Avenue South. Individuals cut a large hole in the secured fence, tore down “no trespassing” signs that were posted on the site, and began moving in various supplies, including a large amount of firewood. By the next day, individuals associated with the First Nenookaasi Encampment had erected four large yurts on the 2601 14th Avenue South CPED property.

8. After the closure of the First Nenookaasi Encampment on January 4, 2024, a number of individuals departed the First Nenookaasi Encampment and proceeded directly to 2601 14th Avenue South. Those individuals moved their belongings onto the City-owned property and declared this site to be the next iteration of Camp Nenookaasi. Within hours, over 25 individuals and over a dozen yurts had moved from the First Nenookaasi Encampment to the Second Nenookaasi Encampment.

9. On January 5, 2024, City staff met with Camp Organizers. City staff told the Camp Organizers that they could not stay at the Second Nenookaasi Encampment and needed to leave.

10. On January 8, 2024, the City once again reposted notice of trespassing signs. Those signs were once again torn down by individuals in the Second Nenookaasi Encampment.

11. On January 17, 2024, City staff again met with Camp Organizers and told them that the City would be closing the Second Nenookaasi Encampment.

12. On January 18, 2024, the City's Health Department was notified by the Minnesota Department of Health of a possible gastrointestinal illness in the Second Nenookaasi Encampment.

13. The City's Health Department team immediately initiated an investigation. On January 19, 2024, City Health Department staff visited the Second Nenookaasi Encampment and found that 20 to 30 people were ill with symptoms consistent with a viral gastrointestinal illness.

14. During the site visit, the Health Department team provided cleaning supplies for common areas, including bleach solution in spray bottles, additional bleach and water for replenishing the spray bottle, gloves, and paper towels. The Health Department team also met with individuals in the Second Nenookaasi Encampment to discuss community guidelines for minimizing transmission, as well as recommended that new portapotties be provided.

15. The Health Department determined that closure of the Second Nenookaasi Encampment should be postponed until the virus was contained so

as to minimize transmission to other vulnerable populations.

16. The Health Department visited the Second Nenookaasi Encampment again on January 20 and 21, 2024.

17. On January 24, 2024, after 72 hours with no new cases, the City's Health Department determined that the virus was contained and that closure of the Second Nenookaasi Encampment could move forward. On January 24, 2024, City staff emailed Camp Organizers and told them that the Second Nenookaasi Encampment would be closing soon.

18. On January 28, 2024, a shooting of a man occurred immediately outside of the Second Nenookaasi Encampment.

19. On January 30, 2024, after weeks of notice, the City closed the Second Nenookaasi Encampment.

20. On the day of the closure, individuals at the Second Nenookaasi Encampment were given an unlimited amount of time to pack their belongings.

21. Between the inception of the Second Nenookaasi Encampment on January 4, 2024, and its closure on January 30, 2024, the City's Homeless Response Team made eight separate site visits, each time offering connection to services, shelter, and storage options. No one at the Second Nenookaasi Encampment chose to use the City's storage options.

22. Following the closure of the Second Nenookaasi Encampment on

January 30, 2024, individuals from the encampment moved to another City-owned property, a CPED property located at 2213 16th Avenue South in Minneapolis.

23. This property was fenced and locked, with prominent “no trespassing” signs posted. Individuals associated with the encampment cut open the fence, remove a section, and move their belongings inside the property in what would become the Third Nenookaasi Encampment.

24. Individuals associated with the Third Nenookaasi Encampment also quickly tore down the “no trespassing” signs. That evening, City staff returned to the site of the Third Nenookaasi Encampment and reposted “no trespassing” signs. By the following morning, the signs were torn down again. On January 31, 2024, the City returned and again posted “no trespassing signs.”

25. On February 1, 2024, the City closed the Third Nenookaasi Encampment.

26. On the day of the closure, individuals were given an unlimited amount of time to pack up their belongings.

27. Individuals from the encampment moved to another City-owned property. This property was a locked, fenced, CPED property located at 1100 28th Avenue East in Minneapolis. Individuals associated with the encampment broke into the locked and secured property by cutting through the fence and relocated City-owned infrastructure staged in this secure location then began setting up

another encampment. Within a day, Plaintiffs had erected approximately 18 to 20 yurts at the Fourth Nenookaasi Encampment.

28. It is the City's understanding that the smoke in the air from the Fourth Nenookaasi Encampment's bonfires was causing significant problems for the Allina Central Laboratory located nearby at 2800 10th Avenue South in Minneapolis.

29. On February 25, 2029, Allina staff reported to City staff that employees of the Laboratory had begun noticing a strong odor of campfire smoke inside the Laboratory and determined that the smell was coming from the numerous fires at the Fourth Nenookaasi Encampment.

30. The City was informed that this smoke not only created an uncomfortable and disruptive work environment for the Laboratory employees, but there was also concern that if the smoke level continued to increase, particulates in the air could impact the Laboratory's sensitive testing equipment. Allina further informed the City that without functioning testing equipment, the Laboratory would not be able to operate, which would have a significant impact on patient access to medical testing.

31. On February 28, 2024, City staff visited the Fourth Nenookaasi Encampment and spoke with individuals about the impact the smoke was having on the area. Staff advised to burn class one materials only and discontinue usage

of other portable heat sources. Class one materials consist of untreated wood products suitable for use in wood burning fire pits and fireplaces.

32. On February 29, 2024, a massive fire broke out midday at the Fourth Nenookaasi Encampment. Within a matter of minutes, the entire Fourth Encampment went up in flames. The Minneapolis Fire Department and other first responder personnel immediately responded to the scene. Within a short period of time, Minneapolis firefighters had the blaze extinguished, but almost nothing was left but charred remains of the encampment residents' property.

33. The Fire created a massive amount of smoke in the area.

34. Immediately following the fire, individuals from the Fourth Nenookaasi Encampment moved to another City-owned property located at 2939 14th Avenue South. This property was fenced and locked, with prominent "no trespassing" signs posted. Individuals associated with the encampment cut open the fence, removed a section, and moved their belongings inside the property in what would become the Fifth Nenookaasi Encampment.

35. From March through June 2024, the Fifth Encampment grew rapidly in size to more than 70 individuals across 50 structures. From March through June 2024, the City's Homeless Response Team made ten separate site visits, each time offering connection to services, shelter, and storage options. No one at the Fifth Nenookaasi Encampment chose to use the City's storage options.

36. On July 25, 2024, the City closed the Fifth Nenookaasi Encampment.

37. On the day of the closure, individuals were given an unlimited amount of time to pack up their belongings.

38. At the time of the closure of the Fifth Nenookaasi Encampment, there were 10 unhoused individuals staying at the site. At the time of the closure, Hennepin County reported there were 33 shelter spaces available – 19 for men, 10 for women, and 3 mixed gender spaces.

39. Following the closure of the Fifth Nenookaasi Encampment, individuals from the encampment moved to another City-owned property, a CPED property located at 2313 13th Avenue South in Minneapolis.

40. The CPED property located at 2313 13th Avenue South was the site of the First Nenookaasi Encampment which individuals had already been trespassed from at the time of initial closure on January 4, 2024.

41. This property was fenced and locked, with prominent “no trespassing” signs posted. Individuals associated with the encampment cut open the fence, removed a section, and moved their belongings inside the property in what would become the Sixth Nenookaasi Encampment.

42. On October 7, 2024, the City closed the Sixth Nenookaasi Encampment.

43. Individuals remained near the property on the public right of way

adjacent to the site of the Sixth Nenookaasi Encampment.

44. On October 13, 2024, the City cleared the sidewalk adjacent to the Sixth Nenookaasi Encampment.

45. Following the closure of the Sixth Nenookaasi Encampment and public right of way, individuals from the encampment moved to another City-owned property, a CPED property located at 2839 14th Avenue South. This property was fenced and locked, with prominent “no trespassing” signs posted. Individuals associated with the encampment cut open the fence, removed a section, and moved their belongings inside the property in what would become the Seventh Nenookaasi Encampment.

46. The CPED property located at 2313 13th Avenue South was the site of the Fifth Nenookaasi Encampment which individuals had already been trespassed from at the time of initial closure on July 25, 2024.

47. The Seventh Nenookaasi Encampment remains at this location to this day.

48. I declare under penalty of perjury that everything I have stated in this declaration is true and correct. Signed in Hennepin County, Minnesota.

Dated: 10/29/24

/s/ Enrique Velazquez
Enrique Velazquez